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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,574	05/03/2001	Michael B. Raynham	10004326-1	6827

7590 03/25/2004

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EXAMINER

DAMIANO, ANNE L

ART UNIT	PAPER NUMBER
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2114

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DATE MAILED: 03/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/848,574

Applicant(s)

RAYNHAM, MICHAEL B.

Examiner

Anne L Damiano

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 5/3/01.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-12, 14, 15, 21, 23-27, 29-37 is/are rejected.
- 7) ☒ Claim(s) 13, 16-20, 22 and 28 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

1. The claims are objected to because the lines between claims 4 and 5 are crowded too closely together, making reading and entry of amendments difficult. Substitute claims with lines one and one-half or double spaced on good quality paper are required. See 37 CFR 1.52(b).

### ***Allowable Subject Matter***

2. Claims 13, 16-20, 22 and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 5, 6, 9, 11, 12, 14, 15, 23-27, 29-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Sexton (2002/0068983).

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As in claim 1, Sexton discloses a wireless diagnostic system for diagnosing a problem with at least one server comprising:

A portable diagnostic tool including a wireless transmitter and a wireless receiver, the portable diagnostic tool configured to transmit requests with the tool's wireless transmitter (paragraph 3: lines 1-4 and lines 12-15 and paragraph 13: lines 1-4) (Since the portable communication device is wireless, it inherently includes a wireless transmitter and receiver.); and  
A wireless communication subsystem (PLC) coupled to a first server (paragraph 11: lines 1-5), the wireless communication subsystem including a wireless transmitter and a wireless receiver (paragraph 14: lines 1-4) (Since the PLC can transmit data to and receive data from the wireless communication device, it inherently includes a wireless transmitter and receiver.), the wireless communication subsystem configured to receive a transmitted request from the portable diagnostic tool with the subsystem's wireless receiver, the wireless communication subsystem configured to transmit service information (operational data) with the subsystem's wireless transmitter in response to a received request, the portable diagnostic tool configured to receive the service information with the tool's wireless receiver (paragraph 11: lines 10-13, paragraph 12: lines 4-8, paragraph 13: lines 1-4, paragraph 14: lines 1-4 and paragraph 15: lines 1-3).  
(Operational data is requested of the PLC. The PLC receives the request for the data, wirelessly, formats the data to be sent wirelessly and send the data to the portable communication device.)

As in claim 2, Sexton discloses the wireless diagnostic system of claim 1, further comprising:

A support server (ISP server) including a wireless transmitter and a wireless receiver, the support server configured to receive a transmitted request from the portable diagnostic tool with the support server's wireless receiver, the support server configured to transmit service support information with the support server's wireless transmitter, the service support information including diagnostic information about the first server, the portable diagnostic tool configured to receive the service support information with the tool's wireless receiver (paragraph 6: lines 3-9, paragraph 12: lines 4-8). (Since wireless communication device exchanges communication with the ISP server, the ISP server inherently includes a wireless transmitter and receiver.)

As in claim 5, Sexton discloses the wireless diagnostic system of claim 2, wherein the portable diagnostic tool and the support server are configured to wirelessly communicate with long-range radio frequency communications (paragraph 17: lines 1-6).

As in claim 6, Sexton discloses the wireless diagnostic system of claim 5, wherein the long-range radio frequency communications are based on a cellular telephone communications protocol (paragraph 17: lines 1-6).

As in claim 9, Sexton discloses the wireless diagnostic system of claim 1, wherein the wireless communication subsystem includes a controller (PLC) for monitoring activities of the first server, the controller configured to generate the service information (operational data) based at least in part on the monitored activities of the first server (paragraph 6: lines 9-13, paragraph 7: lines 1-4, paragraph 11: lines 10-13 and paragraph 13: lines 1-4). (The PLC, programmable

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logic controller, is a controller in and of itself. When operational data is requested of the PLC, it is sent through the local server ultimately to the wireless device. If there is a problem with the local server, it will be known since the data is sent through it. Therefore, the service information is based at least in part on the monitored activities of the first server.)

As in claim 11, Sexton discloses the wireless diagnostic system of claim 9, wherein the controller is a main server management controller (paragraph 6: lines 9-13, paragraph 7: lines 1-4, paragraph 11: lines 10-13 and paragraph 13: lines 1-4). (The PLC, programmable logic controller, is a controller in and of itself. When operational data is requested of the PLC, it is sent through the local server ultimately to the wireless device. If there is a problem with the local server, it will be known since the data is sent through it. Therefore, the PLC is interpreted as being a main server management controller.)

As in claims 12, Sexton discloses the wireless diagnostic system of claim 1, wherein the portable diagnostic tool includes a display screen, and wherein the portable diagnostic tool is configured to display diagnostic information on the display screen based at least in part on the service information received from the first server (paragraph 6: lines 9-13 and paragraph 13).

As in claim 14, Sexton discloses the wireless diagnostic system of claim 12, wherein the service information includes at least one error code, and wherein the portable diagnostic tool is configured to display error information on the display screen based at least in part on the at least

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one error code (paragraph 16: lines 1-12). (Since the displayed information can be used to detect the cause of the problem, some form of error code must be included in the service information.)

As in claim 15, Sexton discloses the wireless diagnostic system of claim 12, wherein the portable diagnostic tool is configured to display repair suggestion information on the display screen based at least in part on the service information received from the first server (paragraph 16.) (The displayed operational data indicates to the user which part number needs to be replaced. A part needing to be replaced is a repair suggestion.)

As in claim 23, Sexton discloses a method of identifying a problem with at least one server comprising:

Wirelessly transmitting a request with a portable diagnostic tool (paragraph 3: lines 1-4 and lines 12-15 and paragraph 13: lines 1-4) (Since the portable communication device is wireless, it inherently includes a wireless transmitter and receiver.);

Providing a wireless communication subsystem (PLC) coupled to a first server (paragraph 11: lines 1-5 and paragraph 14: lines 1-4) (Since the PLC can transmit data to and receive data from the wireless communication device, it is a wireless communication system.);

Receiving the transmitted request from the portable diagnostic tool with the wireless communication subsystem;

Wirelessly transmitting service information (operational data) with the wireless communication subsystem in response to a received request; and

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Receiving the service information with the portable diagnostic tool (paragraph 11: lines 10-13, paragraph 12: lines 4-8, paragraph 13: lines 1-4, paragraph 14: lines 1-4 and paragraph 15: lines 1-3). (Operational data is requested of the PLC. The PLC receives the request for the data, wirelessly, formats the data to be sent wirelessly and send the data to the portable communication device.)

As in claim 24, Sexton discloses the method of claim 23, and further comprising:

Providing a support server (ISP server) including a wireless transmitter and a wireless receiver;

Receiving a transmitted request from the portable diagnostic tool with the support server's wireless receiver;

Wirelessly transmitting service support information with the support server's wireless transmitter, the service support information including diagnostic information about the first server,

Receiving the service support information with the portable diagnostic tool (paragraph 6: lines 3-9, paragraph 12: lines 4-8). (Since wireless communication device exchanges communication with the ISP server, the ISP server inherently includes a wireless transmitter and receiver.)

As in claim 25, Sexton discloses the method of claim 23, and further comprising:



Displaying diagnostic information with the portable diagnostic tool based at least in part on the service information received from the first server (paragraph 6: lines 9-13 and paragraph 13).

As in claim 26, Sexton discloses the method of claim 23, wherein the service information includes at least one error code, the method further comprising: Displaying error information with the portable diagnostic tool based at least in part on the at least one error code (paragraph 16: lines 1-12). (Since the displayed information can be used to detect the cause of the problem, some form of error code must be included in the service information.)

As in claim 27, Sexton discloses the method of claim 23, and further comprising:

Displaying repair suggestion information with the portable diagnostic tool based at least in part on the service information received from the first server (paragraph 16.) (The displayed operational data indicates to the user which part number needs to be replaced. A part needing to be replaced is a repair suggestion.)

As in claim 29, Sexton discloses a portable server diagnostic tool comprising:

A wireless transmitter for wirelessly transmitting a request to a first plurality of servers (paragraph 3: lines 1-4 and lines 12-15 and paragraph 13: lines 1-4) (Since the portable communication device is wireless, it inherently includes a wireless transmitter and receiver. The request is made to the PLC which communicates with the diagnostic tool through the local

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server. However, other servers, namely the ISP server is existent in the system. Therefore when a request is made to the PLC, it is ultimately made to the local servers, as well.);

A wireless receiver for wirelessly receiving service information from at least one server in the first plurality of servers (paragraph 11: lines 10-13, paragraph 12: lines 4-8, paragraph 13: lines 1-4, paragraph 14: lines 1-4 and paragraph 15: lines 1-3); (Operational data is requested of the PLC. The PLC receives the request for the data, wirelessly, formats the data to be sent wirelessly and send the data to the portable communication device.) And

A display screen for displaying diagnostic information based at least in part on the received service information (paragraph 6: lines 9-13 and paragraph 13).

As in claim 30, Sexton discloses the portable server diagnostic tool of claim 29, wherein the tool is configured to wirelessly communicate with a support server (ISP server) to obtain service support information from the support server (paragraph 6: lines 3-9, paragraph 12: lines 4-8). (Since wireless communication device exchanges communication with the ISP server, the ISP server inherently includes a wireless transmitter and receiver.)

As in claim 31, Sexton discloses the portable server diagnostic tool of claim 29, wherein the tool is configured to wirelessly communicate with a support server to transmit repair information to the support server (paragraph 6: lines 3-13, paragraph 12: lines 4-8 and paragraph 16). (Since wireless communication device exchanges communication with the ISP server to ultimately display the data retrieved from the PLC. The displayed operational data indicates to

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the user which part number needs to be replaced. A part needing to be replaced is repair information. Therefore, this displayed repair information must be transmitted.)

As in claim 32, Sexton discloses the portable server diagnostic tool of claim 29, wherein the displayed diagnostic information includes error information representing at least one error experienced by the at least one server (paragraph 16: lines 1-12). (Since the displayed information can be used to detect the cause of the problem, some form of error code must be included in the service information.)

As in claim 33, Sexton discloses the portable server diagnostic tool of claim 29, wherein the tool is configured to display repair suggestion information on the display screen based at least in part on the received service information (paragraph 16.) (The displayed operational data indicates to the user which part number needs to be replaced. A part needing to be replaced is a repair suggestion.)

5. Claims 35-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Worley et al. (6,651,190).

As in claim 35, Worley discloses a server comprising:

A processor (figure 4: components 110 and 40);

A memory coupled to the processor (Figure 4: component 202);

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A controller coupled to the processor, the controller configured to monitor activities of the processor and store server status information (figure 4: component 100); and

A wireless communications subsystem coupled to the controller, the wireless communications subsystem configured to wirelessly transmit at least a subset of the server status information (column 3: lines 15-21).

As in claim 36, Worley discloses the server of claim 35, wherein the controller is configured to be powered by a standby power supply separate from a power supply that powers the processor (figure 4: components 100 and 50, column 2: lines 65-67 and column 6: lines 3-21).

As in claim 37, Worley discloses the server of claim 35, wherein the controller is a main server management controller (column 3: lines 9-12).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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7. Claims 3, 4, 7 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sexton as applied to claim 1 above.

Regarding claim 3, Sexton discloses the wireless diagnostic system wherein the portable diagnostic tool and the wireless communication subsystem are configured to wirelessly communicate (above). However, Sexton does not specifically disclose the communications being short-range radio frequency communications.

It would have been obvious to a person skilled in the art at the time the invention made to use short-range radio frequency communications. It would have been obvious because Sexton's invention uses remote wireless monitoring to overcome the expense and inconvenience of having an on site engineer (paragraph 2: lines 4-6). A person skilled in the art would have understood that short-range wireless communication could be used for the wireless communication Sexton's system. However, Sexton's system is an improvement upon such a system. A person skilled in the art would have also understood that radio frequency communication is a well-known method of wireless communication.

Regarding claim 4, Sexton discloses the wireless diagnostic system where the portable diagnostic tool and the wireless communication subsystem are configured to wirelessly communicate with short-range radio frequency communications (above). Sexton also discloses the wireless communication device possibly being a PDA (paragraph 15: lines 9-10). However, Sexton does not specifically disclose the short-range radio frequency communications being based on a Bluetooth communications protocol. It would have been obvious to a person skilled

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in the art at the time the invention was made to base the short-range radio frequency communications on a Bluetooth communications protocol. It would have been obvious because Bluetooth is the open standard for short-range transmission of data between mobile devices, such as PDA's and desktop devices.

Regarding claim 7, Sexton discloses the wireless diagnostic system of claim 1, wherein the portable diagnostic tool and the wireless communication subsystem are configured to communicate wirelessly (above). However, Sexton does not specifically disclose the wireless communications being with infrared (IR) communications.

It would have been obvious to a person skilled in the art at the time the invention was made to use infrared communication for the wireless communications in the system taught by Sexton. It would have been obvious because infrared is commonly used for wireless transmission between computer devices.

Regarding claim 21, Sexton discloses the wireless diagnostic system above. However, Sexton does not specifically disclose the portable diagnostic tool being configured to attach to the first server.

It would have been obvious to a person skilled in the art at the time the invention made to attach the portable diagnostic tool to the server. It would have been obvious because Sexton's invention uses remote wireless monitoring to overcome the expense and inconvenience of having an on site engineer (paragraph 2: lines 4-6). A person skilled in the art would have understood that physically attaching the portable device to the server could be implemented in a system like

Sexton's. However, Sexton's remote diagnostic system is an improvement upon an attached diagnostic system. A person skilled in the art would have also understood that physically attaching a diagnostic tool to the device is it monitoring is well known in the art.

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sexton as applied to claim 1 above and further in view of McLlroy et al. (6,701,521).

Regarding claim 8, Sexton discloses the wireless diagnostic system of claim 1, wherein the portable diagnostic tool and the wireless communication subsystem are configured to wirelessly communicate (above). However, Sexton does not specifically disclose short-range radio frequency communications.

It would have been obvious to a person skilled in the art at the time the invention made to use short-range radio frequency communications. It would have been obvious because Sexton's invention uses remote wireless monitoring to overcome the expense and inconvenience of having an on site engineer (paragraph 2: lines 4-6). A person skilled in the art would have understood that short-range wireless communication could be used for the wireless communication Sexton's system. However, Sexton's system is an improvement upon such a system. A person skilled in the art would have also understood that radio frequency communication is a well-known method of wireless communication.

Sexton also does not specifically disclose communications being with infrared (IR) communications. It would have been obvious to a person skilled in the art at the time the invention was made to use infrared communication for the wireless communications in the

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system taught by Sexton. It would have been obvious because infrared is used for wireless transmission between computer devices a commonly used for wireless transmission between computer devices.

Sexton also does not specifically disclose the portable diagnostic tool and the wireless communication subsystem being configured to wirelessly communicate with short-range radio frequency communications and with infrared communications. McLlroy discloses a portable computer system with both a wireless infrared communication mechanism and a radio receiver/transmitter device (column 7: lines 51-56).

It would have been obvious to a person skilled in the art at the time the invention was made to configure the diagnostic tool and wireless communication subsystem to communication with both short-range radio frequency communications and with infrared communications. It would have been obvious because more communication configurations will increase the robustness of the system and McLlroy teaches that a portable device can be configured to include both communication means.

9. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sexton as applied to claims 1 and 9 above and further in view of Worley et al. (6,651,190).

Regarding claim 10, Sexton discloses a wireless diagnostic system with a controller (above). However, Sexton does not specifically disclose the controller being powered by a standby power supply.



Worley discloses a wireless diagnostic system in which an independent controller is coupled to the device being monitored wherein the controller is powered by a standby power supply separate from a power supply that powers a processor of the first server (column 2: lines 65-67 and column 6: lines 3-21).

It would have been obvious to a person skilled in the art at the time the invention was made to power the controller with a separate, standby power supply, as taught by Worley, in the system taught by Sexton. It would have been obvious because Worley teaches that such means provide independent, robust access and diagnostics in remote monitoring (column 2: lines 54-58). A person skilled in the art would have understood that such standby power supply would result in a known, out-of-band diagnostic scheme.

10. Claims 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sexton as applied to claim 29 above.

Regarding claim 34, Sexton discloses the wireless diagnostic system above. However, Sexton does not specifically disclose the portable diagnostic tool being configured to attach to the first server.

It would have been obvious to a person skilled in the art at the time the invention made to attach the portable diagnostic tool to the server. It would have been obvious because Sexton's invention uses remote wireless monitoring to overcome the expense and inconvenience of having an on site engineer (paragraph 2: lines 4-6). A person skilled in the art would have understood that physically attaching the portable device to the server could be implemented in a system like

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Sexton's. However, Sexton's remote diagnostic system is an improvement upon an attached diagnostic system. A person skilled in the art would have also understood that physically attaching a diagnostic tool to the device is it monitoring is well known in the art.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne L Damiano whose telephone number is (703) 305-8010. The examiner can normally be reached on M-F 9-6:30 first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (703) 305-9713. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

ALD

  
**SCOTT BADERMAN**  
**PRIMARY EXAMINER**